

JAN 15 2007

PAGE 16/17 * RCVD AT 1/15/2007 10:02:45 PM [Eastern Standard Time] * SVR:USPTO-EF-XRF-3/3 * DNIS:2738300 * CSID: * DURATION (mm:ss):04:32

Serial No. 10/797,631

Customer No.: 53,096

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	YARBOROUGH, David K.	Examiner:	MANAHAN, Todd E.
Serial No.:	10/797,631	Group Art Unit:	3732
Filed:	March 10, 2004.	Docket No.:	P1072US07
Title:	Method for Whitening Teeth		

TERMINAL DISCLAIMER

Sir:

BriteSmile Professional, Inc., the owner of the entire right, title, and interest in and to the above-identified application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156, as shortened by any terminal disclaimer, of U.S. Patent No. 5,645,428 and U.S. Patent No. 5,713,738. **BriteSmile Professional, Inc.**, hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and U.S. Patent No. 5,645,428 and U.S. Patent No. 5,713,738 are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, and its successors or assigns.

In making the above disclaimer, **BriteSmile Professional, Inc.**, does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of U.S. Patent No. 5,645,428 and U.S. Patent No. 5,713,738, as shortened by any term disclaimer filed prior to grant thereof, in the event that any said patent expires for failure to pay a maintenance fee, is held

01/17/2007 AWD:DAF1 00000097 503717 10/7631

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unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the grant thereof.

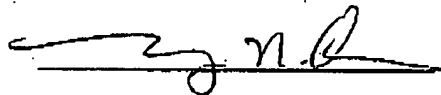
Please charge the terminal disclaimer fee, under 37 C.F.R. §1.20(d), to Deposit Account No. 50-3717.

All correspondence should be sent to the attorney named below at the address shown.

Respectfully submitted,

Date

Jan. 15, 2007



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